

HOUSE BILL 2328

By Grills

AN ACT to amend Tennessee Code Annotated, Title 13, Chapter 7; Section 54-1-128; Title 59 and Title 69, Chapter 3, Part 1, relative to reclamation plans for fill or borrow material from state highway construction projects.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 54-1-128, is amended by adding the following as a new subsection:

(e) Notwithstanding any other law, local or regional zoning or planning regulations or other local restrictions, rules, regulations, or laws that explicitly or implicitly limit the owner's or operator's ability to reclaim the site do not apply to reclamation of any formerly operating borrow excavation, surface mining operation, or quarry, including a limestone quarry, that agrees to receive fill or borrow material from state highway construction projects; provided, that the fill work:

(1) Complies with the requirements of the Water Quality Control Act of 1977, compiled in title 69, chapter 3, part 1;

(2) Is not located on a street or road currently operating below level of service "C," or is located on a street or road that would be reduced below level of service "C" by traffic generated by the reclamation operation; and

(3) In all other ways satisfies the state's rules and regulations applicable to the fill activity.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.